



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTHONY V.S. ENGLAND
1717 WEST SIXTH STREET
SUITE 230
AUSTIN TX 78703

COPY MAILED

MAY 10 2004

In re Application of
Srinivasa
Application No. 10/720,894
Filed: November 24, 2003
Attorney Docket No. JP920020187US1

OFFICE OF PETITIONS

:
:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition, filed March 26, 2004, requesting, in effect, withdrawal of the Notice to File Omitted Item(s) in a Nonprovisional Application (Notice), mailed March 8, 2004.

The application was filed on November 24, 2003. On March 8, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioner that page 27 of the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that page 27 be accorded a filing date of November 24, 2003 on the basis that the entire specification, including page 27, was received in the Patent and Trademark Office (PTO) on November 24, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing November 24, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 30 pages of specification.

The return postcard constitutes *prima facie* evidence that 30 pages of specification were filed on November 24, 2003. MPEP 503. A review of the application file reveals that 30 pages of specification – including page 27 – are present.

Accordingly, the March 8, 2004 Notice was mailed in error and the petition is granted. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of November 24, 2003. Page 27 of the specification, which is currently in the specification, but *out* of proper numerical order in relation to the other pages of specification, will be placed *in* proper numerical order in relation to the other pages of specification.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy